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STANISLAW J. KAZIAK CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL-TRENT: BARNES

Civil No. 07-1176-CL

Petitioner,

v.

ALBERTO GONZALES, et al.,

ORDER

Respondents.

PANNER, Judge.

Magistrate Judge Mark D. Clarke has filed Findings and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b) (1) (B), Fed. R. Civ. P. 72(b). Petitioner has filed objections.¹ I have given the file of this case de novo review. 28 U.S.C. § 636(b) (1) (C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981). Finding no error, I adopt the Findings and Recommendation.

DISCUSSION

In his forty-page petition, petitioner asserts that he was

¹ Petitioner captioned his objections, "Judicial Notice of response by affidavit, concerning the FINDINGS AND RECOMMENDATIONS."

not subject to a lawful arrest warrant, indictment, or judgment. Petitioner contends that respondents had no jurisdiction over the location where his alleged criminal conduct occurred, that the judge who presided over his criminal proceedings lacked jurisdiction over him, and that the criminal judgment against him is void. I agree with Magistrate Judge Clarke that the petition does not coherently explain the nature of petitioner's claims. The petition provides no valid factual or legal support for its sweeping assertions.

In response to the petition, Magistrate Judge Clarke issued an order explaining the types of relief available to petitioner and allowing petitioner thirty days to file an amended pleading on a form provided by this court. Magistrate Judge Clarke warned petitioner that failure to comply with the order could result in dismissal of the petition.

In response to Magistrate Judge Clarke's order, petitioner filed "notices" and motions, but he did not file a proper pleading. Magistrate Judge Clarke then issued the Findings and Recommendation at issue here.

In his objections, petitioner disputes the validity of motions under 28 U.S.C. § 2255 and petitions under 28 U.S.C. § 2241, contending that he is filing a common-law petition for writ of habeas corpus. Petitioner also contends that Magistrate Judge Clarke is biased against him.

Petitioner's objections have no merit. I conclude that the Findings and Recommendation is correct, and therefore ADOPT the Findings and Recommendation.

CONCLUSION

Magistrate Judge Clarke's Findings and Recommendation (#14) is adopted. The petition (#1) is dismissed with prejudice for failure to state a claim. All pending motions are denied as moot.

IT IS SO ORDERED.

DATED this 16 day of January, 2008.



OWEN M. PANNER
United States District Judge